



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

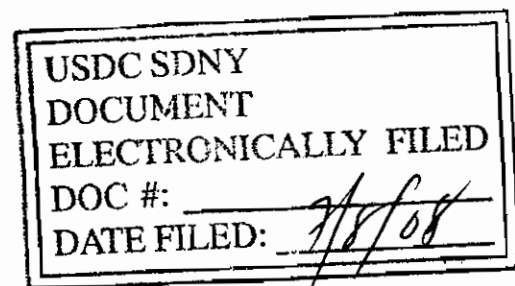
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July 7, 2008

BY FACSIMILE

The Honorable Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007
Fax: 212-805-7941



Re: Tyrone Ford v. City of New York, et. al., 08-cv-02412 (LAP) (KNF)

Your Honor:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action on behalf of the City of New York and Detective James Vanacore, I write to respectfully request that the Court issue an order compelling plaintiff to provide this office with a release pursuant to N.Y.C.P.L. § 160.50 for the unsealing of his underlying prosecution and arrest records by a date certain.¹ Additionally, defendants respectfully request an extension of time to respond to the complaint until sixty (60) days after plaintiff provides the requested release. Plaintiff's counsel, Jeffry Pollack, Esq., consents to this enlargement of time as to defendant City. Additionally, plaintiff's counsel informed me that he will likely forward the executed releases to this office within two weeks.

As way of background, the complaint alleges, *inter alia*, that on January 19, 2006, plaintiff was falsely arrested, subsequently maliciously prosecuted and falsely imprisoned until

¹ This case has been assigned to Assistant Corporation Counsel Katherine E. Smith, who is presently awaiting admission to the bar and is handling this matter under supervision. Ms. Smith may be reached directly at (212) 513-0462.

May 7, 2007.² Upon information and belief, plaintiff's arrest records have been sealed pursuant N.Y.C.P.L. §160.50. On April 24, 2008 this office forwarded to plaintiff's counsel for his execution, an authorization for the release of plaintiff's arrest records pursuant to N.Y.C.P.L. §160.50.³ Again, on July 1, 2008 this office resent the aforementioned release and notified plaintiff that we would seek an Order from the Court compelling the production of the executed release if plaintiff failed to respond on or before today, July 7, 2008.⁴ To date, plaintiff has failed to return the executed unsealing release.

This office is expected to file a response on behalf of the City of New York and Detective James Vanacore by today, July 7, 2008. However, without the requested release our office is unable to secure the underlying documentation necessary to adequately investigate plaintiff's allegations, properly respond to the complaint, or comply with our obligations under Fed. R. Civ. P. 11.

Accordingly, for the reasons set forth herein, defendants respectfully request that the Court order plaintiff to provide the requested unsealing release by a date certain and that defendants be given sixty (60) days after receipt of the release to respond to the complaint.

Plaintiff shall provide the release described above to counsel for Defendants no later than July 25. Defendants' time to respond to the Complaint is extended to September 25, 2008.

SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

July 7, 2008

² In addition to the City of New York and officer James Vanacore, plaintiff names Under Cover Police Officer 12941 as a defendant. Upon information and belief, the officer has not yet been served with a copy of the summons and complaint in this action. Without making any representations on his behalf, assuming service was properly effected, it is respectfully requested that his time to respond to the complaint be similarly enlarged so that his defenses are not jeopardized while representational decisions are being decided.

³ A copy of defendant's April 24, 2008 letter is annexed hereto for the Court's convenience.

⁴ A copy of defendant's July 1, 2008 letter is annexed hereto for the Court's convenience.

I thank Your Honor for considering the within request.

Respectfully submitted,



Caryn Rosencrantz (CR 3477)
Assistant Corporation Counsel
Special Federal Litigation Division

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